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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,693	03/22/2001	Semih Secer	10010462-1	5215
29053	7590	01/13/2005	EXAMINER	
DALLAS OFFICE OF FULBRIGHT & JAWORSKI L.L.P. 2200 ROSS AVENUE SUITE 2800 DALLAS, TX 75201-2784			OSMAN, RAMY M	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/816,693	Applicant(s) SECER, SEMIH 	
	Examiner Ramy M Osman	Art Unit 2157	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 15, 16 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Status of Claims*

1. This communication is responsive to the amendment filed on September 20, 2004.  
Applicant cancelled claims 15,16 and 30, amended claims 1,6,7,14,17,18,23,24,27,28,29 and 31, and added new claims 34 and 35. Claims 1-35 are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-3,7-14,17-21,23,24,28,29 and 31-35 rejected under 35 U.S.C. 102(e) as being anticipated by Tentji et al (US Patent No 6,513,129).**

4. In reference to claims 1,14,29,34 and 35, Tentji teaches a system for managing network elements of a network, a method, and a system all comprising:

at least one network element (column 2 lines 45-51, column 4 lines 22-40 and figure 1 #115);

a centralized management information base (column 5 lines 46-61 and figure 5A #250);

a management processor communicatively coupled to said management information base (column 4 lines 1-10, column 5 lines 23-49 and figure 5A # 230A);

Art Unit: 2157

at least one gateway communicatively coupled to said management processor, said at least one gateway operable to manage said at least one network element (column 5 lines 1-37, column 8 lines 10-15 and figure 4 #225); and

at least one object stored in said management information base defining management behavior for managing said at least one network element, said at least one object including a relationship attribute identifying said at least one gateway. wherein said management processor accesses said at least one object stored in said management information base and implements the management behavior defined by said at least one object in accordance with the relationship attribute included in said at least one object (Summary, column 5 lines 1-40, column 6 lines 25-40 and column 7 lines 23-40).

5. In reference to claims 2, Tentji teaches the system of claim 1 further comprising: software code executable by said management processor for generating a user interface with which a user can interact to define management behavior (column 5 lines 46-50 & 64-67 and figure 5A #245).

6. In reference to claims 3,28 and 32, Tentji teaches the managing system, the method and system of claims 2,14 and 29 wherein user-defined management behavior can be activated at run-time of said management processor (column 8 lines 1-55).

7. In reference to claim 7, Tentji teaches the system of claim 1 further comprising:  
a plurality of network elements (column 4 lines 23-30); and  
a plurality of said gateways distributed on the network each gateway operable to manage one or more of said plurality of network elements (column 5 lines 1-15 and column 8 lines 1-35).

8. In reference to claim 8, Tentji teaches the system of claim 7 further comprising:  
a plurality of objects stored in said management information base each defining different management behavior (column 5 lines 45-67).
9. In reference to claim 9, Tentji teaches the system of claim 8 wherein each of said plurality of objects includes a relationship attribute identifying at least one of said plurality of gateways that is executable to perform management behavior defined by such object (column 5 lines 1-15 and column 8 lines 1-35).
10. In reference to claims 10 and 17, Tentji teaches the system and method of claims 8 and 14 wherein said management processor is operable to autonomously determine appropriate one or more of said plurality of gateways to which each of said objects relates, and wherein said management processor is operable to autonomously communicate one or more of said plurality of objects to the determined appropriate one or more of said plurality of gateways (column 5 lines 1-15 and column 8 lines 1-35).
11. In reference to claim 11, Tentji teaches the system of claim 10 wherein the determined appropriate one or more of said plurality of gateways stores said one or more of said plurality of objects local thereto (column 5 lines 1-15 and column 8 lines 1-35).
12. In reference to claim 12,18,31 and 33, Tentji teaches the managing system, the method and the system of claims 10,14 and 29 wherein the said management processor is operable to autonomously communicate one or more of said plurality of objects to the determined appropriate one or more of said plurality of gateways responsive to a user defining a new management behavior represented by said one or more of said plurality of objects (column 5 lines 1-15 and column 8 lines 1-35).

Art Unit: 2157

13. In reference to claims 13 and 24, Tentji teaches the system and method of claims 12 and 14 wherein said management processor executes to present a user interface to a user to enable said user to define management behavior thereby creating new objects to be stored in said management information base or modifying existing ones of said objects stored in said management information base (column 5 lines 45-67 and column 6 lines 15-40).

14. In reference to claim 19, Tentji teaches the method of claim 18 wherein said learning further comprises:

said management processor receiving communication from said at least one gateway identifying a fault message received by said at least one gateway from a network element; and said management processor identifying one or more behavior objects corresponding to said fault message(column 5 lines 1-50).

15. In reference to claim 20, Tentji teaches the method of claim 19 wherein said management processor communicates the identified one or more behavior objects corresponding to said fault message to said at least one gateway that received said fault message (column 9 lines 30-50).

16. In reference to claim 21, Tentji teaches the method of claim 19 wherein said management processor updates a relationship attribute associated with the identified one or more behavior objects to specify that said at least one gateway that received said fault message needs to perform the management behavior represented by the identified one or more behavior objects (column 9 lines 30-50 and column 12 lines 7-54).

17. In reference to claim 23, Tentji teaches the method of claim 17 wherein said determining the management processor further comprises:

Art Unit: 2157

said management processor receiving input from a user identifying said appropriate one or more of said at least one gateway that is to perform said defined management behavior; and said management processor storing the said appropriate one or more of said at least one gateway in a relationship attribute associated with said behavior object (column 9 lines 30-50 and column 12 lines 7-54).

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. **Claims 4-6,22 and 25-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Tentji et al (US Patent No 6,513,129) in view of Kekic et al (US Patent No 6,664,978).**

20. In reference to claims 4 and 25, Tentji teaches the system and method of claims 1 and 14. Tentji fails to explicitly teach wherein said management behavior includes behavior associated with managing trap messages received from said at least one network element. However, Kekic teaches wherein said management behavior includes behavior associated with managing trap messages received from at least one network element for the purpose of computer network managing utilizing SNMP for communication between the network manager and the network elements (column 3 line 60 – column 4 line 30, column 7 lines 50-67 and column 20 lines 15-35).

Art Unit: 2157

It would have been obvious for one of ordinary skill in the art to modify Tentji by making said management behavior include behavior associated with managing trap messages received from at least one network element as per the teachings of Kekic for the purpose of computer network managing utilizing SNMP for communication between the network manager and the network elements.

21. In reference to claims 5 and 26, Tentji teaches the system and method of claims 1 and 14. Tentji fails to explicitly teach wherein said management behavior includes behavior associated with managing polling activities. However, Kekic teaches wherein said management behavior includes behavior associated with managing polling activities for the purpose of computer network managing utilizing SNMP for communication between the network manager and the network elements (column 6 lines 15-30, column 7 lines 10-53 and column 17 line 41 – column 18 line 30).

It would have been obvious for one of ordinary skill in the art to modify Tentji by making said management behavior include behavior associated with managing polling activities as per the teachings of Kekic for the purpose of computer network managing utilizing SNMP for communication between the network manager and the network elements.

22. In reference to claims 6 and 27, Tentji teaches the system and method of claims 1 and 14. Tentji fails to explicitly teach wherein said management behavior includes one or more behaviors selected from the group of: generating an alert, logging information to a database, logging information to another system, initiating a polling activity, filtering information, performing suppression of information, performing correlation of information, performing thresholding, triggering an e-mail message, triggering a page, and any combination thereof.



Art Unit: 2157

However, Kekic teaches wherein said management behavior includes one or more behaviors selected from the group of: generating an alert, logging information to a database, logging information to another system, initiating a polling activity, filtering information, performing suppression of information, performing correlation of information, performing thresholding, triggering an e-mail message, triggering a page, and any combination thereof for the purpose of computer network managing utilizing SNMP for communication between the network manager and the network elements (column 27 lines 7-40, column 42 lines 15-55 and column 86 lines 10-30).

It would have been obvious for one of ordinary skill in the art to modify Tentji by making said management behavior include one or more behaviors selected from the group of: generating an alert, logging information to a database, logging information to another system, initiating a polling activity, filtering information, performing suppression of information, performing correlation of information, performing thresholding, triggering an e-mail message, triggering a page, and any combination thereof as per the teachings of Kekic for the purpose of computer network managing utilizing SNMP for communication between the network manager and the network elements.

23. In reference to claim 22, Tentji teaches the method of claim 19. Tentji fails to explicitly teach wherein said fault message is received by said at least one gateway in SNMP protocol. However, Kekic teaches wherein said management behavior includes behavior associated with managing polling activities for the purpose of computer network managing utilizing SNMP for communication between the network manager and the network elements (column 6 lines 15-30, column 7 lines 10-53 and column 17 line 41 – column 18 line 30).

Art Unit: 2157

It would have been obvious for one of ordinary skill in the art to modify Tentji by making said fault message is received by said at least one gateway in SNMP protocol as per the teachings of Kekic for the purpose of computer network managing utilizing SNMP for communication between the network manager and the network elements.

***Response to Amendment***

24. Examiner acknowledges amendments filed on 9/20/2004 where applicant cancelled claims 15,16 and 30, amended claims 1,6,7,14,17,18,23,24,27,28,29 and 31, and added new claims 34 and 35.

***Response to Arguments***

25. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2157

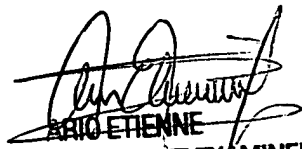
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO  
January 4, 2005

  
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